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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,179	07/19/2001	Michael Kahn	MATP-610US	9083
23122	7590	08/26/2004	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	7

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,179

Applicant(s)

KAHN, MICHAEL

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the Examiner, who was assigned to Art Unit 2613, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Response to Arguments

2. Applicant's arguments with respect to Claim 1 have been considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being unpatentable by Levine (US 5,748,716).

[claim 1]

In regard to Claim 1, Levine discloses a video recorder programming device comprising:

- Means for communicating between a user and said video recording programming device through a telephone connection (Figure 1);
- Means for storing voice messages transmitted by said user through said means for communicating (Figure 2 audio message memory 58 stores message needed for communication between user and computer);

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- Means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data (Column 2 Lines 40-46 describe the computer system which transmits a series of audio messages to the user prompting response regarding programming information);
- Means for receiving and storing recording parameter data transmitted by said user as DTMF tones corresponding to keys on a telephone keypad through said means for communicating (Figure 1 shows the receiving and storing of recording parameters from the connection of a dual tone, multi-frequency (DTMF) telephone receiver of the first terminal as further described in Column 7 Lines 10-25); and
- Means for starting a recording process by a video recorder responsive to the stored parameters (Column 4 Lines 39-55 describe the start of recording based on the start of the recording parameters received from the user).

[claims 2, 9, 11, & 14]

In regard to Claims 2, 9, 11, and 14 Levine discloses a video recorder programming device and method comprising:

- means for starting the recording process of transmitting a command to the video recorder causing the video recorder to enter a programming mode, transmits the parameters to the video recorder as the program and transmits a command to the video recorder to leave the programming mode (Column 3 Lines 40-53 describes the user command to enter a programming code to enter a programming mode); and

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- means of transmitting through an infrared signal transmitter to conversion of the command signal (Column 3 Lines 34-35 describes the transmitting of the infrared control signals to the video recorder as seen in Figure 1).

[claim 3]

In regard to Claim 3, Levine discloses a device wherein the parameters include a channel number and a start time (Column 3 Lines 40-54 describe the recording parameters of channel and start time as further seen in Figure 2).

[claims 4, 10, & 13]

In regard to Claims 4, 10, and 13, Levine discloses a device and method further comprises a mass storage device and the means for the starting the recording process causes the decoded television signal to be stored in the mass storage device as the video recorder (Figure 3 computer 52 stores various signals while the database stores information relating to the television broadcast before sending information to VCR for further storage and further described in Column 4 Lines 40-55).

[claim 5]

In regard to Claim 5, Levine discloses a device and method for storing audio messages comprises a telephone answering machines (Figure 3 audio message memory 58 stores audio voice messages).

[claim 7]

In regard to Claim 7, Levine discloses a device and method of programming a video recorder device comprising:

- Enabling telephone communications between a user and a set top box (Figure 1);
- Transmitting audio data to the user to prompt the user to transmit audio programming data including start time data and one of stop time data and

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duration data (Column 2 Lines 40-46 and Column 5 Lines 35-48 describe the computer system which transmits a series of audio messages to the user prompting response regarding programming information);

- Receiving the audio programming data into the set top box through said telephone communications and converting the audio programming data into command data for the video recording device (Column 4 lines 20+ describes the converting of the audio programming data into the programming data needed to command the recordings); and,
- Transmitting the command data to the video recording device (Column 4 Lines 40+ describes when the recording time matches real time the transmitting of command data to the video recording device).

[claims 6 & 8]

In regard to Claims 6 and 8, Levine discloses a device and method wherein the set top box further includes telephone answering machine functionality and the method further comprises the step of receiving predetermined audio data to switch the set top box from the answering machine functionality prior to receiving the audio programming data (Figure 3 audio message memory communicates to the computer to switch from receiving or transmitting messages).

[claim 12]

In regard to Claim 12, Levine discloses a device and method of programming a video recorder comprising:

- Detecting an incoming telephone call by a set top box containing an automated answering machine (Figure 1);
- Enabling telephone communication between user and set top box (Figure 1); and

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- Detecting, receiving, and transmitting a programming signal transmitted by said user through said telephonic communication to said automated answering machine (Figure 3 shows the system which is further described in Column 4 Lines 6-57 which describes the detecting of programming signals, and receiving the data)

Conclusion

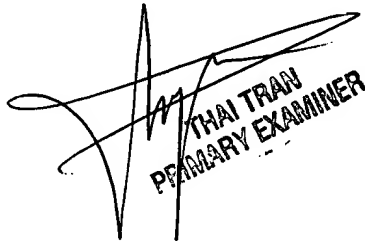
4. The prior are made of record and not relied upon is considered pertinent to applicant's disclosure:

- Scott (US 4,625,080);
- Yuen (US 6,430,359); and
- Imaeda (US 5,969,749).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

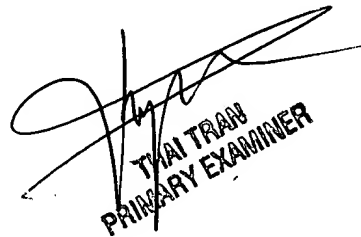

THAI TRAN
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent
08/18/2004



THAI TRAN
PRIMARY EXAMINER